

THE CHAIRMAN: Very well, the Chair announces it will call up Delegate Grant's immediately after consideration of Amendment No. 13.

You may proceed to discuss Amendment No. 13, Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, as I understand it, we are dealing now only with Amendment No. 13. That is Amendment No. B of the Minority Committee. Is that the only amendment before us.

THE CHAIRMAN: Yes.

DELEGATE JOHNSON: I believe they are divisible, but I wanted to make our position clear that we are also in favor of the anticipated amendment to be supplied by Delegate Grant.

Mr. Chairman and fellow delegates, in the view of the minority and many other delegates, I submit that this is probably the most important amendment that has been before you today, and that probably will be before you because of the lateness of the hour.

I commented upon the reasons why the minority felt so strongly about this, first in the general presentation and then in the presentation of the minority report earlier this afternoon.

May I make just a few other brief comments, and ask that you take these comments into serious consideration?

If you believe that the creation of an office, that is, the establishment of an office, the manner in which it is to be filled, the length of term of the employees, if you believe these matters are in fact judicial matters or judicial functions, then you will vote against this amendment.

If, on the other hand, you want to retain the office of judge, with all the respect that it both needs and deserves, then you will protect the judiciary from this unprecedented power grab, and I might add a power grab that has not been sought by the judiciary or by the judicial system of Maryland.

If in fact you want to protect our sound judicial system from these problems, you will vote in favor of the amendment.

Upon the adoption of this amendment, judges of course will be permitted by the legislature to hire secretaries and bailiffs "within" the immediate personal office of the judge. This is right and proper, we sub-

mit. But to extend this nonjudicial function would be the greatest blow we could render to our state judicial system.

We submit that inasmuch as no other state permits this type of legislative function on the part of its judiciary, Maryland will stand out like a sore thumb.

Unless you want our judges to subject themselves to both partisan and nonpartisan pressures, to defend themselves to the charges that will almost assuredly be made by disgruntled job applicants and dismissed commissioners, then you will vote, and I urge you to vote, in favor of this amendment.

THE CHAIRMAN: The Chair recognizes Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: this is a matter that was discussed at some length, as Delegate Johnson has suggested, at the time I attempted to present the majority recommendation to this Convention, and also by Delegate Johnson as part of his minority report.

Frankly, it is the view of the majority that this is a very minor function that will have to be performed by the district court judges under the proposed majority recommendation in selecting and assigning the responsibilities to these commissioners. We do not envision any type of political machine or political hierarchy that these district judges, however so inclined they might be, we hope they will not be, by virtue of the power to appoint commissioners. It is not that these commissioners will be part-time employees.

In the first place, I think it probably will be extremely difficult in some areas to find exactly the type of individual who will accept this type of assignment. It is a troublesome one. The need can occur at any time of the day or night, holidays as well as weekends, and to perform the responsibility efficiently and well, to accommodate the needs of the district court, you must have an individual who is amenable to suggestion and advice and counsel from the district judge.

Accordingly, it is felt that it would definitely weaken the court structure, administration and efficiency that the majority envisions for this judicial article if the appointment, tenure and responsibility of these commissioners is not entirely and directly with the district judges.

This idea is not unique. This is not the